

The basic objective:

"Orderly negotiations by reasonable people bargaining in good faith"

The over-riding objectives of this Bill are to lay down fair and workable ground rules for orderly collective bargaining between teachers and school boards, and to lay the foundation for successful negotiations by reasonable people bargaining in good faith.

I believe that this Bill achieves these objectives. In a clear step-by-step manner, it outlines procedures to regulate the bargaining process. It provides innovative measures to avoid bargaining impasses, it offers practical alternatives to confrontation at every step, and it recognizes clearly the realities of collective bargaining in the field of education.

Once this legislation takes effect and its provisions become operative in the bargaining process, we in Ontario will see more order in a situation that has been somewhat chaotic and unsettled in the last two or three years.

This legislation is based on a second set of 3R's for the 1970's—rights, reason and responsibility.

In assuring certain rights to teachers and to school boards, we expect that the bargaining process will be carried out in a reasoned and responsible fashion by persons of good will and with constant reference to the heavy responsibilities each bears for the education of our young people.

If this is indeed the case, as I hope and expect that it will be, then this legislation will work as a significant and necessary forward step in a return to more harmonious relationships between teachers and school boards in the Province.

Dom Wells
Minister of Education

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What happens if a strike does occur?

Bill 100 gives school boards the power to lock-out. Principals and vice-principals can't strike, because of their essential responsibilities. And the Education Relations Commission has the responsibility to advise the Government if it believes that students are in danger of being unable to complete courses because of a prolonged strike or lock-out.

The Minister of Education said clearly:

"The Government has no intention of allowing this legislation to be used to cause a major disruption in the education of pupils. It is our public responsibility to retain the right to take specific action, including legislative action if necessary, should serious disruptions of educational service occur. We have that responsibility, and we will not shirk it."

Will harmony be restored to education?

The Bill certainly lays the foundation. It is put forward not in anticipation of serious future problems, but rather on the premise that teachers and school board members will act responsibly and bargain in good faith.

STIONS AND ANSWERS ABOUT BILL 100



Government Publications

Facts about new legislation to regulate collective bargaining between teachers and school boards

Bill 100, The School Boards and Teachers Collective Negotiations Act 1975, was introduced for first reading in the Ontario Legislature on June 3, 1975.

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Thomas L. Wells,
Minister of Education

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What is the purpose of the Bill?

The aim is to bring order to collective bargaining between teachers and school boards. Regulated procedures are laid down for orderly bargaining by reasonable people negotiating in good faith.

Who makes sure that bargaining is done "in good faith?"

A new non-partisan independent body called the *Education Relations Commission*, created by this Bill. The Commission consists of five impartial persons, backed up by a small staff of experts in areas like negotiations, finance and education policy.

Its job is to monitor and assist all local negotiations between teachers and school boards. It will have an expert overview of negotiations across the Province, making sure that bargaining is being carried out in good faith, and providing help if it sees a trouble spot developing.

What kind of help can the Commission provide?

It will compile statistics on subjects normally discussed in negotiations, like teachers' salaries, and make them available. It will select and train mediators, fact-finders and arbitrators. If it sees trouble developing in negotiations somewhere in the Province, it can send in a mediator to try to keep talks going smoothly. If a bargaining impasse occurs, it can send in a fact-finder.

The Commission is a watchdog on behalf of not only teachers and trustees, but also on behalf of students and parents, who aren't directly represented in bargaining.

Is bargaining at the local community level?

Yes, between the employing school board and its own teachers. But either party can get bargaining advice or assistance from outside sources.

What can be negotiated?

The scope of negotiations will cover any term or condition of employment put forward by either party, except for a few items like pensions (which are provided for by Provincial legislation). Every agreement must include a grievance procedure to resolve disputes that may arise during the life of an agreement.

What procedures ensure orderly bargaining?

Negotiations must start early. In January, either party can serve notice that it wants to begin negotiations, leaving seven months to negotiate a new agreement. (All agreements must take effect September 1 and expire August 31, and may be for one or more years).

At any time during negotiations, teachers and trustees can ask the Education Relations Commission to send in a mediator or a fact-finder, or to refer the outstanding issues to voluntary binding arbitration or to Final Offer Selection.

At every step there are alternatives and deterrents to confrontation. The Education Relations Commission watchdogs the process all the way, ready to get involved if it looks like a stalemate may be developing.

What happens if an impasse is reached?

If bargaining talks break down, with neither side willing to budge on their last offers, three courses of action are open: (1) voluntary arbitration, or (2) Final Offer Selection, an innovative variation of arbitration, or (3) the fact-finding process.

What is a fact-finder?

A fact-finder is an impartial person assigned by the Education Relations Commission when negotiations between a school board and its teachers are at or near an impasse. The fact-finder's job is to investigate both sides of the dispute, and write a report that will present the facts and expose any extreme or unrealistic positions on the part of trustees or teachers; the report may also recommend terms of settlement. The report is made public if no agreement is reached within 15 days after it has been submitted.

What happens if the fact-finder's report still doesn't bring a settlement?

Usually it *will*, because parents and other concerned citizens will apply pressure, once they know what the dispute is all about. Unreasonable demands by teachers or unrealistic offers by trustees will be exposed for all to see. With this public exposure and pressure, teachers and trustees will usually sit down again and try to work out an agreement.

If still no settlement is reached, the teachers may consider strike action, subject to the strict procedures that must be followed before this type of drastic action can occur.

Why aren't teacher strikes banned?

While it may have been expedient to prohibit strikes altogether, it wouldn't have been the responsible course of action, for three main reasons:

(1) Strike-prohibiting legislation doesn't usually work. It doesn't solve most of the bargaining problems, and it doesn't prevent unrealistic wage demands. It doesn't guarantee harmony, and it doesn't even necessarily eliminate strikes.

(2) Strike-prohibiting legislation usually leads to more disruption and confrontation between trustees and teachers than it prevents. Rather than eliminating confrontation, it magnifies and expands it. This has been proven elsewhere in North America and throughout the world.

(3) The official Provincial organization of school trustees (the employers) agreed with the teachers (the employees) that teachers ought to have the right to strike as a last resort in bargaining.

Will we now have more teacher strikes?

Probably fewer. Bill 100 makes the route to strike action considerably more difficult than at present. At every step in the bargaining process, it provides realistic alternatives to a strike. Diversions and deterrents stand in the way of hasty or irresponsible strike action. There will now be a much greater onus upon individual teachers and school board members to make conscious and responsible personal decisions before deciding to take drastic action leading to a strike.

How are strikes defined?

Under the Bill, a strike includes not only a full withdrawal of services, but also other bargaining tactics like mass resignations and work-to-rule.

Are there any restrictions on strike action?

Yes, several. No strike is allowed during the life of an agreement. And Bill 100 strictly regulates events leading to a possible strike, with the specific intention to trying to avert a strike right up until the last minute. For example:

(1) No strike is allowed until after a fact-finder has examined both sides of the dispute, and his report has been made public.

(2) No strike is allowed until after a 30-day cooling-out period after the fact-finder's report has been submitted.

(3) No strike is allowed until after teachers have specifically voted (by secret ballot) on the last complete offer of the school board.

(4) No strike is allowed until after teachers have specifically voted (by secret ballot) to take this action.

Because of these reasonable procedures, illegal strikes won't be condoned. Bill 100 contains provisions for stiff fines for those who take illegal action.

